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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/523,433

03/07/2005

Bo Moon Jeong

2058-06

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07/25/2007

IPLA P.A.

3580 WILSHIRE BLVD.

17TH FLOOR

LOS ANGELES, CA 90010

EXAMINER

KING, BRADLEY T

ART UNIT

PAPER NUMBER

3683

MAIL DATE

DELIVERY MODE

07/25/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/523,433

Applicant(s)

JEONG, BO MOON

Examiner

Bradley T. King

Art Unit

3683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 May 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-3 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

The claims and disclosure are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors. For instance, claim 1 recites "an AUTO mode terminal 9a for automatically controlling a main brake and a parking brake and a SEMI/AUTO mode terminal 9b for actuating either the main brake during traveling or the parking brake upon the status of KEY-OFF." It is not clear how the selection switch operates, nor is it clear what is encompassed by the terminal for actuating the main brake. It is also not clear how the driver selects terminals as required by claim 1. Claim 1 further recites "according to whether or not the proximity switch installed in an accelerate pedal and a proximity switch installed in a brake pedal contact and a detect signal from a speed sensor sensing the speed of the automobile". It is not clear what is meant by this recitation.

Claim 3 recites "an AUTO mode terminal" and "an SEMI/AUTO mode terminal". It is not clear if these are the same terminals as parent claim 1; or additional features. This list is merely exemplary. Art has been applied as best understood.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Wise et al (US# 4446950).

Wise et al discloses all the limitations of the instant claims (as best understood) including; a selection switch 84 switching to AUTO (operational) mode or SEMI/AUTO (anti-theft) mode for a braking mode by having an AUTO mode terminal 9a automatically controlling a main brake and a parking brake and a SEMI/AUTO mode terminal 9b actuating the main brake during traveling or the parking brake upon the status of KEY-OFF; a solenoid check valve 22/41 installed between an oil outlet of the brake master cylinder 15 and the oil pipe 17, having a plus electrode thereof connected to a plus electrode of a battery by being connected to a relay proximity switch, and actuated by an ON/OFF type control of relay 4; a relay 200 controlled by a stop sensing sensor by way of ON/OFF according to whether or not a proximity switch 69 installed in a accelerate pedal and a proximity switch installed in a brake pedal 12 contact and a

detect signal from a speed sensor 50 sensing the speed of the automobile; and a stop sensing sensor circuit connected in series to a proximity switch installed in a brake pedal by connecting in series an AUTO mode terminal of the selection switch connected to an output terminal of KEY switch with the proximity switch connected to a power source of the relay and connecting in parallel SEMI/AUTO mode terminal with the stop sensing sensor output terminal; according to a driver's selection of AUTO mode terminal or SEMI/AUTO mode terminal from the selection switch, the relay controlled by the stop sensing sensor, the proximity switch and the proximity switch controlling the solenoid check valve 22/41 installed between the oil pipe 15 and the oil inlet of the brake master cylinder 15 by way of free flow or control flow; whereby, upon stepping on a brake pedal, the main brake being operated during traveling, wherein on stopping the parking brake is operated by the main brake.

Response to Arguments

Applicant's arguments filed 5/14/2007 have been fully considered but they are not persuasive.

Regarding the prior art rejections, it is first noted that the prior art has been applied to the claims as best understood. Also, Applicant's description of the claims in the arguments is much clearer than the language of the claims. Note the 112 1st rejections above. Regarding Applicant's arguments that Wise does not teach or suggest to actuate the parking brake (when the speed of the car is zero) automatically, the language of the claims does not require the speed to be zero. Also note column 1, lines 5-10 of Wise. While brake intervention may start prior to the vehicle coming to a

stop, it is clear from the disclosure that the operation is starting at a low speed consistent with a stopping maneuver and is readable on the "on stopping" recited by the claims. Further, in light of the reference as a whole, it is clear that the brake intervention is intended to be maintained after the vehicle has stopped. Note column 11, lines 15-20. Regarding the key-off feature, it is noted that the key-off status is not clearly defined by the claims. It is maintained that indication of an incorrect key can be considered a key-off status. It is maintained that the rejections are proper.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bradley T. King whose telephone number is (571) 272-7117. The examiner can normally be reached on 11:00-7:30 M-F.

Art Unit: 3683

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Siconolfi can be reached on (571) 272-7124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

 7/16/07

Bradley T King
Primary Examiner
Art Unit 3683

BTK